

Adopt Sections 49-020.4 through .42 to read:

49-020 IMMIGRATION STATUS (Continued)

49-020

.4 For purposes of determining eligibility for CAPI under the provisions of Welfare and Institutions Code Sections 18938 and 18940, “entered the United States” or “entry date” means the effective date of the non-citizen’s current immigration status as determined by the Immigration and Naturalization Service, except in either of the following situations:

.41 The non-citizen is a current CAPI recipient whose immigration status was adjusted after he or she began receiving CAPI benefits. In this situation, the same entry date that was used to determine his or her initial CAPI eligibility will continue to be used for redetermination of eligibility.

.42 The non-citizen, as of August 21, 1996, had an immigration status that met the definition of “Qualified Alien” [as defined in MPP Section 49-005(q)(1)], and has maintained continuous residence in the United States since at least August 21, 1996. In this situation the effective date of the Qualified Alien status held by the non-citizen on August 21, 1996 will be deemed to be his or her “entry date” for purposes of determining CAPI eligibility even if the non-citizen later adjusts his or her immigration status.

Authority Cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code.

Reference: 20 CFR 416.1600; P.L. 104-193 as amended, Sections 401 and 402 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and Sections 18938, ~~and~~ 18940, and 18944, Welfare and Institutions Code.